

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,
v.

SCHEDULING ORDER

SHANE GUAY,

Defendant.

Criminal No. 19-CR-103V

On June 3, 2019, the above-named defendant was arraigned in open court on an indictment, pursuant to Federal Rules of Criminal Procedure 10 and Local Rule 12.1, and entered a plea of not guilty pursuant to Fed.R.Crim.P. 11(a)(1). Immediately following arraignment, a pretrial conference was held with counsel and the following motion schedule was set:

- (1) All voluntary discovery shall be completed by **June 17, 2019**.
- (2) All pretrial motions, both dispositive and non-dispositive, including all supporting papers and memoranda of law in support thereof, shall be filed by **July 17, 2019**. **ALL MOTIONS SEEKING A SEVERANCE ARE TO BE SEPARATELY FILED WITH THE HON. LAWRENCE J. VILARDO.**
- (3) All responses to pretrial motions, including all supporting papers and memoranda of law in support thereof, filed in accordance with the preceding paragraph shall be filed by **July 31, 2019**.
- (4) Oral argument on any pretrial motions shall be heard on **August 7, 2019 at 11:00 a.m.**
- (5) **IF NO MOTIONS ARE FILED ON OR BEFORE THE AFORESAID DATE, THE GOVERNMENT SHALL IMMEDIATELY FILE A MOTION REQUESTING A TRIAL BEFORE THE HON. LAWRENCE J. VILARDO.**
- (6) The government shall provide a written pre-approved plea agreement to the defendant(s) no later than **July 5, 2019**.
- (7) The defendant(s) shall respond in writing to the plea agreement no later than **July 15, 2019**.

In accordance with the United States Supreme Court=s decisions in *Zedner v. United States*, 547 U.S. 489 (2006) and *Bloate v. United States*, 559 U.S. 196 (2010), the period of time from the date of this order, until the date of making and/or filing of pretrial motions is excluded pursuant to and in accordance with the provisions contained in 18 U.S.C. Section 3161(h)(7)(A) and 18 U.S.C. Section 3161(h)(7)(B)(iv) for the reasons stated on the record herein.

If no motions are filed by the filing date set forth in paragraph (2), the case shall be referred to the district court judge to whom the case is assigned for trial and the speedy trial exclusion set forth above shall terminate as of the cutoff date for the filing of motions set forth herein.

Any requests for extension of the above dates must be made by the filing of a motion, electronically, with the Clerk of the Court, prior to the due date. Such application shall be made only after conferring with all other parties and shall include a suggested rescheduled date, agreeable to all parties. As a general rule, no request for an extension will be granted unless good cause is shown.

Counsel for the parties are directed to provide the Court with a courtesy copy of Motions, Responses, Replies, Memoranda of Law, and Exhibits clearly marked.

SO ORDERED.

S/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge

DATED: June 3, 2019
Buffalo, New York